

United States Senate

WASHINGTON, DC 20510

July 14, 2014

The President
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. President,

We write with deep concern over a growing trend of laws and proposed legislation targeting lesbian, gay, bisexual, and transgender (LGBT) individuals in Africa. These laws, combined with the growing public vitriol by government officials and the media, threaten to usher in an era of widespread oppression of the LGBT community in many African countries. We believe the enforcement of these laws would be a human rights abuse in violation of the standards set forth in the African Growth and Opportunity Act (AGOA).

Already this year, both Nigeria and Uganda have enacted laws that impose harsh penalties for homosexual activity and activism on behalf of LGBT people. Despite strong opposition from the United States and many other nations, Nigeria enacted the *Same-Sex Marriage Prohibition Act* in January, and one month later, Uganda's President signed into law the *Anti-Homosexuality Act*. In Nigeria, the legislation immediately triggered an outbreak of violent anti-gay attacks.

As you know, Uganda and Nigeria are among the countries eligible for AGOA, which has allowed for duty-free treatment of certain imports from sub-Saharan African countries since 2000. Congress passed this law with a clear intention to make the benefits of this non-reciprocal agreement contingent on these countries' commitment to human rights. AGOA states that a country is only eligible for preferential trade status if that country "does not engage in gross violations of internationally recognized human rights."

The jurisprudence in the area of international human rights supports the respect of sexual orientation and gender identity as human rights. We therefore ask that your Administration review Nigeria and Uganda's eligibility for AGOA's trade preference and, if it is determined that those countries are not "making continual progress" in meeting the statute's requirements, that you take steps to revoke AGOA eligibility to Nigeria and Uganda in accordance with 19 U.S. C. §2466a(a)(3). We believe that the discriminatory anti-LGBT laws in those countries represent a clear violation of human rights and hope that the interagency process charged with AGOA's annual review will make this recommendation. We further ask that you not restore eligibility until these beneficiary countries have taken steps to eliminate harsh penalties for LGBT persons.

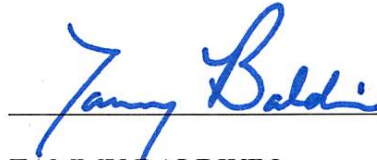
As the International Trade Commission (ITC) correctly stated when AGOA was first passed, "Congress never intended AGOA to be a blank check for all African countries, without regard to performance. It was meant to offer tangible incentives for African governments to improve their political and economic governance, not to underwrite poor policies." Some of the leaders who

promote the benefits of AGOA in their respective countries, including Uganda's President Yoweri Museveni, are the same leaders now presiding over the deterioration of LGBT rights in Africa. By revoking AGOA eligibility, the United States will be sending a clear message that countries must choose between enjoying the benefits of AGOA and violating the human rights of LGBT individuals. We thank you for your attention to this matter and urge you to act swiftly.

Sincerely,



CHRISTOPHER S. MURPHY
United States Senator



TAMMY BALDWIN
United States Senator



MARTIN HEINRICH
United States Senator



RICHARD BLUMENTHAL
United States Senator



BARBARA BOXER
United States Senator



AL FRANKEN
United States Senator



KIRSTEN E. GILLIBRAND
United States Senator



EDWARD J. MARKEY
United States Senator

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Sherrod Brown

SHERROD BROWN
United States Senator

Mark Udall

MARK E. UDALL
United States Senator